



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mike Melton, Regional Environmental Manager
Covia
3450 E 2056th Road
Wedron, IL 60557

Re: Notice of Violation
Covia
Wedron, Illinois

Dear Mike Melton:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Covia (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Wedron, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may contact her at topinka.natalie@epa.gov or (312) 886-3853 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Nathan A. Frank
Chief, Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Kent Mohr, Manager
Compliance Section
Bureau of Air
Illinois Environmental Protection Agency
kent.mohr@illinois.gov

obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.”

5. On February 21, 1980, EPA approved ILL. ADMIN. CODE tit. 35, § 212.306 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg 11,472.
6. ILL. ADMIN. CODE tit. 35, § 212.306 (Traffic Areas) states, “All normal traffic pattern access areas surrounding storage piles specified in Section 212.304 of this Subpart and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.”
7. On July 14, 1999, EPA approved ILL. ADMIN. CODE tit. 35, § 212.309 as part of the federally enforceable SIP for Illinois. 64 Fed. Reg 37,847.
8. ILL. ADMIN. CODE tit. 35, § 212.309 (Operating Program) states, “a) The emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.”
9. On September 9, 1994, EPA approved ILL. ADMIN. CODE tit. 35, § 211.4510 as part of the federally enforceable SIP for Illinois. 59 Fed. Reg 46,562.
10. ILL. ADMIN. CODE tit. 35, § 211.4510 defines “Particulate matter” as “any solid or liquid material other than water, which exists in finely divided form.”

Wedron Permits

11. On January 18, 2017, IEPA issued to Fairmount Santrol² Construction Permit 14080009 (2017 Permit), authorizing the Wedron Facility to construct the new Wedron 7 Sand Processing Line and Coating Operation and associated equipment.
12. Provision 1.4.b of the 2017 Permit (General Work Practice Requirements) requires that at all times the Permittee shall maintain and operate the affected units, heaters and dryers, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
13. Attachment 2 of the 2017 Permit, “List of Dry Sand Handling Units and Associated Control Equipment,” includes, but is not limited to:

² Owner of the Wedron Covia facility at the time.

- a. Conveyors which transfer dry sand to the North Screen Tower and South Screen Tower for screening, sizing, and storage;
 - b. Loadout Spouts at the North Screening Tower which load sand into trucks; and
 - c. Loadout Spouts which load final material into railcars.
14. On September 26, 2014, IEPA issued to Wedron Silica Company³ Construction Permit 11120017 (2014 Permit), authorizing the Wedron Facility to construct the expansion project “Wedron 3.5.”
15. Provisions 1 and 1.b of the 2014 Permit authorize an expansion project at the industrial sand processing plant (the affected plant) including an increase in the production of the existing operations at the affected plant.
16. Provision 5.a of the 2014 Permit requires that at all times, the Permittee shall maintain and operate the affected plant, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
17. On March 8, 2011, IEPA issued to Wedron Silica Company⁴ Construction Permit 10120010 (2011 Permit), authorizing the Wedron Facility to construct new sand processing equipment and associated air pollution control equipment at the Screenhouse.
18. Provision 4.a of the 2011 Permit requires that the Permittee shall maintain and operate the affected units, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
19. On October 13, 2010, IEPA issued to Wedron Silica Company⁵ Construction Permit 10050019 (2010 Permit), authorizing the Wedron Facility to construct new equipment and associated air pollution control equipment regarding finished product loadout at the existing sand processing plant (the affected plant).
20. Provision 4.a of the 2010 Permit requires that the Permittee shall maintain and operate the affected plant, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
21. On April 13, 2007, IEPA issued to Wedron Silica Company⁶ Construction Permit 06080002 (2007 Permit), authorizing the Wedron Facility to construct a new rotary sand dryer and associated equipment.

³ Owner of the Wedron Covia facility at the time.

⁴ Owner of the Wedron Covia facility at the time.

⁵ Owner of the Wedron Covia facility at the time.

⁶ Owner of the Wedron Covia facility at the time.

22. Provision 3 of the 2007 Permit requires that at all times the Permittee shall maintain and operate these sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
23. On May 26, 2006, IEPA issued to Wedron Silica Company⁷ Construction Permit 05120026 (2006 Permit), authorizing the Wedron Facility to construct new conveyors associated with sand transport to the railcar loadout.
24. Provision 5 of the 2006 Permit requires that at all times the Permittee shall also, to the extent practicable, maintain these sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
25. On June 9, 2005, IEPA issued to Wedron Silica Company⁸ Construction Permit 05030102 (2005 Permit), authorizing the Wedron Facility to construct new sand processing equipment and increased plant-wide throughput associated with the new Wedron II facility.
26. Provision 1a. of the 2005 Permit requires that, at all times, the Permittee shall maintain and operate these sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.

Factual Background

27. Covia owns and operates the Wedron Facility, a sand mining and processing facility at 3450 E 2056th Road, Wedron, Illinois.
28. Sand is a solid material other than water, which exists in finely divided form.
29. Sand is a particulate matter under ILL. ADMIN. CODE tit. 35, § 211.4510.
30. Emissions from Covia's sand mining and processing operations and associated traffic pattern roads and parking facilities are subject to the requirements regarding Fugitive Particulate Matter, as Part Subpart K in the Illinois SIP at ILL. ADMIN. CODE tit. 35, § 212.301–16.
31. On July 1, 2021, EPA Region 5 personnel conducted an unannounced inspection of the Wedron Facility.
32. During EPA's July 1, 2021 inspection, EPA personnel observed:
 - a. Heavy accumulations of sand on the Wedron Facility roadways;
 - b. Sand from roadways becoming airborne from vehicle traffic and wind;

⁷ Owner of the Wedron Covia facility at the time.

⁸ Owner of the Wedron Covia facility at the time.

- c. Sand becoming airborne after sticking to conveyor belts and falling off the uncovered underside of the conveyor;
- d. Drop height of off-spec sand material not minimized, and dropping onto an uncovered sand pile, causing material to become airborne;
- e. Uncovered piles of waste sand;
- f. Drop height of sand being loaded into a truck not minimized, allowing fugitive particulate matter to become airborne and leave the confines of the truck bed;
- g. Roll-up doors to the truck loading bay left open during truck loading, allowing spilled and airborne material from truck loading operations to be blown outside the truck loading bay;
- h. Telescoping spouts for loading railcars not extended to minimize drop height of sand, causing material to become airborne and to be deposited on the top of the railcars; and
- i. Emissions of particulate matter from open hatches on railcars as the railcar was being loaded using a different hatch.

Violations

- 33. EPA's observations, described in paragraph 32, demonstrate that Covia was not operating its affected units, sources, and the affected plant, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, in violation of Provision 1.4 of the 2017 Permit; Provision 5.a of the 2014 Permit; Provision 4.a of the 2011 Permit; Provision 4.a of the 2010 Permit; Provision 3 of the 2007 Permit; Provision 5 of the 2006 Permit; and/or Provision 1a. of the 2005 Permit.
- 34. EPA's observations, described in paragraph 32. a. and b., demonstrate that Covia was not cleaning its paved roadways or treating its unpaved areas with water, oils or chemical dust suppressants on a regular basis, as needed in accordance with the operating program required by ILL. ADMIN. CODE tit. 35, § 212.309 to significantly reduce fugitive particulate matter emissions, in violation of ILL. ADMIN. CODE tit. 35, § 212.306.

Environmental Impact of Violations

- 35. These violations have caused or can cause excess emissions of particulate matter. Particulate matter, especially fine particulates, contains microscopic solids, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
 - irritation of the airways, coughing, and difficulty breathing;

- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division